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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,116	10/25/2000	Richard H. Boivie	YOR920000592US1	4406
23334	7590	01/13/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			LE, HIEU C	
		ART UNIT	PAPER NUMBER	
		2142		
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/696,116	BOIVIE, RICHARD H.
Examiner	Art Unit	
Hieu c. Le	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 November 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 8-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 11-14, 16-18, 20-22 is/are rejected.

7)  Claim(s) 10, 15, 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10-25-00 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

1. The amendment filed 11/02/04 have been entered and made of record.
2. The affidavits filed on 11/02/04 under 37 CFR 1.131 has been considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 8-9, 11-14, 16-18,20-22 are rejected under 35 U.S.C. 102(a) as being anticipate by H-Peter Dommel et al, “ Ordered end to end multicast for distributed multimedia system”, System Sciences, proceeding of 33<sup>rd</sup> Hawaii Internet conference, Jan 2000.

As to claim 8, Dommel discloses a method for distributed web content objects across a network of information processing units and intermediate nodes, [a reliable multicast of multimedia over a network of hosts and routers (p. 2, Lc, lines 38-48)] comprising the steps of:

receiving a multicast packet [a source sends a message on once, received by router on its path and replicated (p. 2, Lc lines 44-48);

determining one or more “next hops” that the multicast packet should be forwarded to [route the message is determined and the optimal nodes in the tree that the message is routed to (next hops) (p. 4, Rc, lines 10-28)].

forwarding one copy of the multicast packet to each of the next hops [the message is received only once at any node (p. RC, lines 3-22)] and

sending ACKS and/or NAKs between an intermediate node and another node of a network for reliably delivering a multicast packet to a destination information processing unit (p3 , Lc, lines 11-23)].

As to claim 9, Dommel further discloses wherein the determining and forwarding steps use a Small Group Multicast scheme [ (TOM) is a small Group Multicast Scheme].

As to claim 11, Dommel further discloses comprising the steps of: processing ACKS and/or NAKS from a reliable multicast packet transmission and performing multicast packet retransmissions based on the processed ACKS and/or NAKS (p. 3, Lc, lines 11-13);

As to claim 12, Dommel further discloses wherein the multicast packet comprises a small group multicast packet [ the multicast message (packet) is a tree based ordered Multicast protocol, i. e a small group multicast group message].

As to claim 13, refer to claim 8 rejection. Dommel further discloses the containing address information for a set of destinations [ the message contains a header that include a source identifier and a target receiver set (destination) (p. 3, Rc, lines 23-29) and a computer readable medium comprising instructions [multiprocessor routing (p. 4, Lc, lines 10-13)].

As to claim 14, refer to claim 11 rejection.

As to claim 16, refer to claim 13 rejection.

As to claim 17, refer to claim 15 rejection.

As to claim 18, refer to claim 14 rejection.

As to claim 20, refer to claim 11 rejection,

Claim 21 is an information processing unit analogous to the method of claim 13, arguments analogous to those applied to claim 13 are applied to claim 21.

Claim 22 is a destination processing unit analogous to the method of claim 8, arguments analogous to those applied to claim 8, are applied to claim 22.

*Allowable Subject Matter*

5. Claim 10,15,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for this Group is (703) 305-3900.

  
JACK HARVEY  
PRIMARY EXAMINER